

FILED
BILLINGS DIV.

2010 MAY 5 PM 12 01

PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT MITCHELL,

Defendant,

ALLTEL,

Garnishee.

CR 98-85-BLG-JDS

FINAL ORDER IN GARNISHMENT

A writ of garnishment, directed to garnishee, has been duly issued and served upon the garnishee. Pursuant to the writ of garnishment, the garnishee filed an answer on or about April 6, 2010, stating that at the time

of the service of the writ, garnishee had in garnishee's possession, custody or control personal property belonging to and due defendant, that defendant is employed by the garnishee and earns regular wages from the garnishee.

On March 23, 2010, the defendant was notified of his right to a hearing and has not requested a hearing to determine exempt property.


On May 4, 2010, Plaintiff filed a request for entry of final order in garnishment. No responsive pleading has been filed.

IT IS THEREFORE ORDERED garnishee shall pay to plaintiff the lesser of a) 25% of defendant's disposable earnings or b) the amount by which defendant's disposable earnings exceed 30 times the federal minimum hourly wage. "Disposable earnings" are those earnings remaining after deductions of any amount required by law to be withheld, such as social security and withholding taxes. These payments shall be made at the same time the employee is paid and shall continue until the debt to the plaintiff is paid in full or the garnishee no longer has custody, possession or control of any property belonging to the debtor or until further order of this Court. Payments shall be sent to: Clerk of U.S. District Court, 316 North 26th Street, Room 5405, Billings, MT 59101.

IT IS FURTHER ORDERED that any amounts which the garnishee

may be holding pursuant to the writ of garnishment shall immediately be turned over to the United States Attorney at the above address.

DATED this 5th day of May, 2010.



HONORABLE JACK D. SHANSTROM
Senior U.S. District Court Judge